IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 11543 of 1999

Between:

SAKTI, a Voluntary Social Organisation working for the upliftment of Tribals,
(regd.No.76/84), Ramachandrapuram East Godavari District
rep.by its Director Dr.P. Sivaramakrishna

..... PETITIONER

AND

1 State of A.P.,
rept. by its Chief Secretary to Govt., Govt. of A.P
Secretariat Buildings, Hyderabad.
2 The District Collector & Agent to Govt.,
West Godavari Dist., Eluru.
3 The Superintendent of Police
W.G.Dist., Eluru.
4 The Dy.Superintendent of Police (Task Force for Jeelugumilli Mdl.,)
Jangareddygudem W.G.Dist.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of WRIT OF MANDAMUS directing the first respondent: (1) to appoint an Officer, inspiring confidence in accordance with Sec.21 of S.C & S.T (prevention of Atrocities) Act, 1989 for initiating prosecution for contravention of the provisions of

the scheduled Castes and Scheduled Tribes) (Prevention of Atrocities) Act, 1989 and for ensuring safety to the S.Ts residing in Jeelugumilli, Buttayagudem, Polavaram, T.Narasapuam and Gopalapuram Mandals of W.G. Dist. (2) to provide adequate legal aid to the persons subjected to atrocities, to enable them to avail justice and consequently declare that the peaceful agitation and awakening campaign of the petitioner organisation and followed by S.Ts for restoration of lands belonging to S.Ts in the furtherance of the prevention of atrocities under S.C & S.T. (Prevention of Atrocities) Act, 1989.

Counsel for the Petitioner: MR.A.RAMALINGESWAR RAO

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

This petition was filed on 7th June, 1999 seeking writ of mandamus directing the respondents to appoint an officer in accordance with Section 21 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 for initiating or exercising supervision over prosecutions for the contravention of the provisions of the said Act. Taking note of the grievance made in the writ petition, on the last date, the respondents were directed to state as to what action had been taken in that behalf. Learned counsel for the respondents has drawn our attention to the provisions of A.P. State Commission for Scheduled Castes and Scheduled Tribes Act, 2003, Act No.9 of 2003 and the notification issued thereunder on 7th November, 2003 constituting a Commission viz., A.P. State Commission for Scheduled Castes and Scheduled Tribes. The said Commission, under the provisions of the Act No.9 of 2003, is to discharge such functions as are envisaged under Section 12 of the said Act which are comprehensive enough. What is envisaged in clause (iv) of sub-Section (2) of Section 21 of the 1989 Act is also one of the functions of the Commission viz., to make recommendations with a view to ensure effective implementation and enforcement of all safeguards under the Protection of Civil Rights Act, 1955 and also under the 1989 Act. The other functions also include evaluating the working of various safeguards under the 1989 Act and to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution of India or in any other laws. There is no manner of doubt that the grievance spelt out by the petitioner can very well be agitated before the said Commission and in view of the fact that the Commission has since been constituted, we cannot issue further direction as prayed

for in the writ petition. With leave and liberty granted to the petitioner to approach the Commission for redressal of its grievance, the petition is closed.

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DEVINDER GUPTA, CJ

8-11-2004

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C.V.RAMULU, J

Tvr

To

1 Chief Secretary to Government, Govt. of A.P.,
Secretariat Buildings, Hyderabad.
2 The District Collector & Agent to Govt.,
West Godavari Dist., Eluru.
3 The Superintendent of Police
W.G.Dist., Eluru.
4 The Dy.Superintendent of Police (Task Force for Jeelugumilli Mdl.,)
Jangareddygudem W.G.Dist.

5 2 CCs to the Advocate General, High Court Buildings, Hyderabad

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